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Attorney for Defendant
NEHEMIAH AVILA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NEHEMIAH AVILA, CEASAR MARTINEZ,
and RICARDO MARMOLEJO,

Defendants.

Case No.: 2:21-cr-00020-TLN

STIPULATION AND [PROPOSED] ORDER
CONTINUING STATUS CONFERENCE
AND EXCLUDING TIME UNDER THE
SPEEDY TRIAL ACT

Date: February 24, 2022
Time: 9:30 a.m.
Court: Hon. Troy L. Nunley

Plaintiff United States of America by and through Assistant United States Attorney
Adrian Kinsella, and Attorney Todd Leras on behalf of Defendant Nehemiah Avila, Attorney
Michael Long on behalf of Defendant Ceasar Martinez, and Attorney Dina Santos on behalf of
Defendant Ricardo Marmolejo, stipulate as follows:

1. This matter is presently set for status conference on February 24, 2022. By this
stipulation, Defendants Avila, Martinez, and Marmolejo move to continue the status
ORDER CONTINUING STATUS
CONFERENCE

- 1 conference to June 9, 2022. The government does not oppose the request.
- 2 2. This case involves a conspiracy to distribute controlled substances. Investigation of
- 3 the matter included the use of court-authorized wiretaps. The government has
- 4 provided defense counsel with a significant volume of materials, including hundreds
- 5 of audio files of intercepted calls, written reports, and wiretap authorization requests
- 6 as discovery.
- 7
- 8 3. Defendants Avila and Martinez are in pre-trial detention at the Sacramento County
- 9 Main Jail. Counsels' efforts to review the intercepted call audio files have been
- 10 hampered by the continuing pandemic. A recent of surge in cases of the Omicron
- 11 variant, including an outbreak of COVID-19 cases at the Sacramento County Main
- 12 Jail, make client meetings for the purpose of discovery review and follow-up
- 13 investigation more difficult than it was before the pandemic.
- 14
- 15 4. Given the need for defense preparation and follow-up investigation, Defendants
- 16 Avila, Martinez, and Marmolejo request to continue the status conference in this
- 17 matter to June 9, 2022, at 9:30 a.m., and to exclude time between February 24, 2022
- 18 and June 9, 2022, inclusive, under Local Code T-4.
- 19
- 20 5. All defense counsel represent and believe that failure to grant additional time as
- 21 requested would deny Defendants Avila, Martinez, and Marmolejo the reasonable
- 22 time necessary for effective preparation, considering the exercise of due diligence.
- 23
- 24 6. Based on the above-stated facts, Defendants Avila, Martinez, and Marmolejo request
- 25 that the Court find that the ends of justice served by continuing the case as requested
- 26 outweigh the best interest of the public and the Defendants in a trial within the time
- 27

prescribed by the Speedy Trial Act.

7. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.*, within which trial must commence, the time period of February 24, 2022 to June 9, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), and (B) (iv) [Local Code T-4] because it results from a continuance granted by the Court at Defendants' request on the basis that the ends of justice served by taking such action outweigh the best interest of the public and the Defendants in a speedy trial.
8. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

Assistant U.S. Attorney Adrian Kinsella, Attorney Michael Long on behalf of Defendant Ceasar Martinez, and Attorney Dina Santos on behalf of Defendant Ricardo Marmolejo have reviewed this stipulation and proposed order and authorized Todd Leras via email to sign it on behalf of their respective clients.

DATED: February 17, 2022

PHILLIP A. TALBERT
United States Attorney

By /s/ Todd D. Leras for
ADRIAN T. KINSELLA
Assistant United States Attorney

DATED: February 17, 2022

By /s/ Todd D. Leras
TODD D. LERAS
Attorney for Defendant
NEHEMIAH AVILA

ORDER CONTINUING STATUS
CONFERENCE

1 DATED: February 17, 2022

2 By /s/ Todd D. Leras for
3 MICHAEL D. LONG,
4 Attorney for Defendant
CEASAR MARTINEZ

5 DATED: February 17, 2022

6 By /s/ Todd D. Leras for
7 DINA SANTOS
8 Attorney for Defendant
9 RICARDO MARMOLEJO
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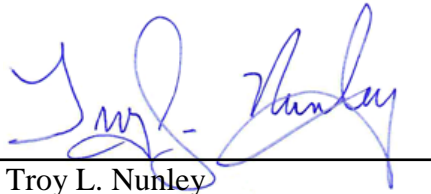
28 ORDER CONTINUING STATUS
CONFERENCE

ORDER

BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is hereby ordered that the status conference in this matter, scheduled for February 24, 2022, is **VACATED**. A new status conference is **SCHEDULED** for **June 9, 2022, at 9:30 a.m.** The Court further finds, based on the representations of the parties and the request of all defense counsel, that the ends of justice served by granting the continuance outweigh the best interests of the public and the Defendants in a speedy trial. Time shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(iv) and Local Code T-4, to allow necessary attorney preparation taking into consideration the exercise of due diligence for the period from February 24, 2022, up to and including June 9, 2022.

IT IS SO ORDERED.

DATED: February 17, 2022


Troy L. Nunley
United States District Judge

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